



*Thinking Schools Academy Trust*  
**“Transforming Life Chances”**

**Dignity at Work and Bullying  
Harassment Policy**

This policy was adopted on	November 2020
The policy is to be reviewed on	November 2024

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# Part A - Policy

## 1 Policy Statement

The Thinking Schools Academy Trust (The Trust) is committed to creating an environment of positive working relationships. To preserve and protect such an environment, the Trust has policies and procedures that set out standards of conduct that must be observed and enable staff to raise concerns, to be provided with a response and for those concerns to be addressed in an appropriate forum and to obtain an appropriate remedy.

The Trust believes that every employee has the right to be treated with equality, dignity and respect in the workplace and is committed to providing a supportive working environment to foster such a culture. By addressing unacceptable behaviour and promoting positive behaviour this procedure underpins the Trust's vision and values.

The Trust strives for a workplace that is free of harassment, bullying and victimisation through:

- Raising awareness of the issues of harassment, bullying and victimisation, and refusing to tolerate these behaviours
- Supporting any employee who is harassed, bullied or victimised
- Dealing with any issues through agreed processes when they are raised
- Ensuring that senior leaders demonstrate and uphold high standards of conduct
- Expecting all employees to comply with the Code of Conduct , which can be found [here](#) on the Trusts website and treat colleagues and stakeholders with dignity and respect.

The Trust recognises that while some issues may be resolved informally, there are instances when this may not be possible or appropriate and a more structured formal approach is required.

The Trust recognises the need to ensure complaints of this nature are addressed without undue delay. The Trust may undertake reasonable investigation to establish the facts and assist in the resolution of the concerns.

An Employee who has raised a complaint will not be victimised for doing so. Due consideration will be given to the support required by both parties when addressing concerns.

The Trust does not condone unacceptable behaviour. An Employee who is found to have harassed or bullied a colleague will be subject to the Trust's Disciplinary Procedure, which can be found [here](#) on the Trust website.

A complaint of harassment and bullying will be treated as confidential by all parties.

This procedure has been developed to comply with legal requirements and in accordance with ACAS guidance and best practice principles.

This procedure explains:

- how Employees can raise issues with their managers about unacceptable behaviour they are experiencing at work
- how the Trust will address those concerns in a fair and consistent manner

- what is expected from managers and Employees with regards to the management of such issues

## 2 Scope

This policy and procedure applies to current and former members of the Trust workforce. For the purposes of this policy, the term 'school workforce' includes:

- Employees
- Agency workers
- Consultants
- Casual workers
- Apprentices
- Volunteers, including governors
- Job seekers and job applicants

This policy does not form part of any employee's contract of employment and we may amend it at any time, we will consult and negotiate with the recognised trade unions on any amendments.

This Policy and Procedure may apply in the following circumstances:

- Employees who have been treated in a manner by a manager or colleague that they believe to constitute bullying and harassment as defined in this document.
- Employees who have witnessed actions that they believe may constitute the bullying and harassment of a colleague may raise a complaint.
- Work-related functions held outside of normal working hours, either on or off the Trust's premises, such as Christmas parties and leaving celebrations.
- Employees who believe they have been bullied or harassed by a third party (such as a customer or client) however it should be noted that in such instances the Trust may have limited authority to address the issue

Individual employees or groups of employees may use this procedure. In such circumstances, the affected employees may wish to appoint a spokesperson who may be a trade union representative / official.

The Grievance Policy and Procedure that can found [here](#) on the Trust website should be used where Employees wish to raise complaints about work related issues. These would include concerns relating to their own employment, working environment, terms and conditions or the actions of another Employee or Manager acting on the Trusts behalf.

On occasion, the individual considering the complaint may direct the Employee to raise their concern under the Grievance policy and Procedure should this be more appropriate.

## 3. Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1 September 2020 and supersedes any previous Bullying and Harassment procedure.

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

#### **4. Responsibilities of the Trust**

- To provide Employees with a clear framework to raise a complaint
- To provide assistance to Employees in order to informally resolve a complaint if possible
- To ensure formal complaints are investigated in a thorough and timely manner, providing parties with appropriate written or verbal feedback
- To ensure consistency and fairness of treatment
- To take appropriate action, including disciplinary action, where an instance of bullying and harassment is proven.

#### **5. Responsibilities of the Employee**

- To comply with the Trust's Code of Conduct and treat all colleagues and stakeholders with dignity and respect
- To raise complaints only in relation to legitimate concerns and not of a malicious/vexatious nature
- To engage with managers in seeking to resolve any complaint that has been raised— by attending meetings and / or participating in any investigation
- To act in a respectful and professional manner towards all parties
- To maintain confidentiality

## Part B - Procedure

### 6. Definitions

All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If a member of the school workforce reports that they are being bullied, harassed or victimised, then they have a complaint, which must be dealt with, regardless of whether or not it accords with a standard definition.

**6.1 Harassment**, as defined in the Equality Act 2010, is:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment

The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

The individuals making the complaint do not need to be the intended target or possess the relevant characteristic themselves. An individual may find the behaviour offensive even if it is not directed at them, or they may be:

- Associated with a person who has a protected characteristic
- Wrongly perceived to have a protected characteristic
- Treated as if as if they have a protected characteristic

Harassment may also involve unwanted conduct of a sexual nature which has the same purpose or effect on the individual as described at the beginning of this section (5.1).

Harassment may also occur where there is unwanted conduct of a sexual nature or that relates to gender reassignment or sex, this conduct has the same purpose or effect described at the beginning of this section (5.1) and the individual is treated less favourably because they rejected or submitted to it.

Harassment is unacceptable, and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

### 6.2 Bullying

Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying can take the form of physical, verbal and non-verbal conduct.

Bullying does not need to relate to a person's protected characteristic. In certain circumstances, bullying and victimisation can occur on the grounds of trade union status. Such actions or omissions may be unlawful including:

- Dismissal or action short of dismissal of an employee for being a union member, participating in trade union activities or discharging union duties or for holding a position or post in a trade union.
- Compiling and exchange of lists of trade union members for the purpose of discriminating against these individuals; either current or prospective employees.

Harassment and bullying may take the form of persistent or isolated incidents. It may arise from face to face actions, telephone, written and electronic communications and visual images.

If the behaviour or action is considered by the recipient to be offensive or could reasonably be considered offence by others, it may constitute bullying or harassment whether intentional or otherwise.

The words 'bullying' and 'harassment' are often used interchangeably in the workplace. The impact on the individual can be the same as harassment.

### **6.3 Victimisation**

Victimisation is defined in the Equality Act 2010 as:

Subjecting an individual to a detriment because he/she does a protected act, or it is believed he/she has done or may do a protected act.

A 'protected act' is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act

## **7 Examples of unacceptable behavior that may constitute bullying or harassment include**

- Insulting someone verbally or through inappropriate behavior
- Physical or psychological threats
- Spreading malicious rumours
- Sharing personal, sensitive or special category information about an individual with others who do not need to know
- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Exclusion
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker
- Unwelcome sexual advances, such as touching, standing too close, displaying offensive
- materials, asking for sexual favours, making decisions on the basis of sexual advances
- Making unfounded threats or comments about job security

- Preventing an individual from progressing by intentionally blocking promotion or training opportunities

This list is not intended to be exhaustive.

**Harassment, bullying or victimisation may occur:**

- Face to face
- Through written communications
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone
- Via automatic supervision methods, such as computer recording of downtime from work,
- or recording of telephone conversations, if these are not universally applied to all workers
- in similar roles

This list is not intended to be exhaustive.

## 8 Authority to Act

In this document, the person considering the complaint is referred to as the ‘complaint officer’.

**Informal Action**

In the first instance, an Employee is encouraged to raise concerns informally directly with the individual who they have the complaint against.

If the Employee feels uncomfortable doing this they should raise the issue with their line manager / Headteacher who may be able to facilitate a discussion between all parties regarding the concerns.

In instances where the complaint is against an Employee’s line manager / Headteacher – complaints should be raised with the next level manager - who may be able to facilitate a discussion between all parties regarding the concerns. This may be a Director of Education, an Executive Headteacher, the Chair of Governors or Deputy CEO.

If the seriousness of the complaint warrants – the Employee may make a formal complaint without having first raised the matter informally.

**Formal Action**

If it is not possible to resolve the matter informally or the matter is serious enough an Employee may raise a formal complaint with their line manager / Headteacher / Director of Education or Chair of Governors / Deputy CEO depending on the circumstances, they may refer the issue to the Headteacher or other manager as appropriate.

Complaints against the Headteacher, Executive Headteacher or Director should be raised with the Chair of Governors or Deputy CEO.

It should be noted that at the formal stage the ‘complaint officer’ may be the same person who facilitated a discussion at the informal stage or may be another appropriate manager.



### **Complaints raised by the Headteacher**

Where the Headteacher has a complaint, the matter should be raised formally with the Chair of the RGB or Deputy CEO or in instances where the complaint is against the CEO or the Chair of the RGB, the matter should be raised with the Chair of Directors.

### **Alleged harassment, bullying or victimisation by stakeholders**

The Trust will use this process if the complaint relates to someone not employed directly by the Trust, or when the Trust does not have the power to take any professional or disciplinary action against the individual in question.

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.

If the allegation is found to be justified, the response from the school will depend on the relationship of the perpetrator to the school and the nature and severity of the incident.

The school will take proportionate action in consultation with the individual who made the complaint. This may involve:

- Mediation
- Putting up signs setting out acceptable and unacceptable behaviour
- A verbal warning
- A written warning

This list is not intended to be exhaustive.

If the action taken is not effective in preventing issues, or for very severe cases, the school will consider further action. This may involve a meeting to discuss suspension from the Academy/Trust site.

Suspension is not an assumption of guilt and is not considered a disciplinary sanction' In cases where a period of suspension is considered necessary, this period should be as brief as possible, should be kept under review and with full pay

In some circumstances, as an alternative to suspension, it may be necessary to place an employee on a period of additional leave to allow for an initial investigation of the facts to be undertaken. Such leave is determined by the Headteacher/Principal and is a neutral position. During this period the employee will continue to receive full pay as if they were at work.

If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the Trust.

In the case of a suspension the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the Trust will have regard to the Department for Education's '**Guidance on controlling access to school premises**'.

If the individual is a parent of a pupil at the school, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

### **Alleged harassment, bullying or victimisation by pupils**

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal

investigation to commence. It may be appropriate to allow the pupil to be accompanied by an appropriate adult as part of any investigation interview.

If the allegation is found to be justified, the Academy will then refer to their own behaviour policy published on their website and may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), with reference to the safeguarding policy if appropriate to the pupil's circumstances. The safeguarding policy can be found [here](#) on the Trust website.

Where the pupil remains at the Academy, the Academy will also take responsibility for educating the pupil about appropriate behaviour and will liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.

## 9 Timescales for Raising a Complaint

Unless there are exceptional circumstances, a complaint cannot be raised if the event or issues complained of occurred more than 3 months prior to the raising of the complaint.

Should an Employee wish to raise a complaint outside of this period they will need to demonstrate that:

- a. They have made reasonable attempts to resolve the matter informally outside of the process
- b. The matter of complaint is part of a pattern or acts or omissions
- c. They were absent from work

Where a complaint is received by an ex-employee, the response will be provided in writing. .

## 10 Right to Representation

Employees who raise or are the subject of a complaint have the right to be accompanied by a workplace colleague or trade union representative at any informal and formal meetings or investigation held as part of this procedure.

The presence of trade union representative or workplace colleague may also be of benefit during the informal stage of the process – however it should be noted that this does not make the meeting formal.

## 11 Timescales

Complaints of harassment and bullying will be addressed promptly and without undue delay in achieving an outcome for all parties. Indicative timescales are set out below – however these may vary depending on the circumstances of the case.

The Trust will provide 5 days working notice of any informal or formal meeting held under this policy to help facilitate trade union representation or work place colleague accompaniment.

Informal Stage	Informal action	Meeting held and outcome reached as soon as is practicable
Informal Stage	Formal Complaint raised	Within 5 working days following the conclusion of the Informal stage

Formal Stage	Written Outcome	Within 10 working days of the conclusion of any investigation where necessary
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Anticipated timescales for completing an investigation will be communicated. Where additional time is required all parties will be advised.

## **12 Support and Conduct during the Process**

The Trust acknowledges that they have a duty of care towards all Employees and consideration will be given to any support needed by either party during the process. Employees are advised that their Trade Union or Professional Association will be able to advise and support if they are a member. Employees may also wish to make use of the confidential counselling service provided by the Academy.

The details of the Academy counselling service can be found in Appendix B.

Due respect will be given to the rights of both parties during the process and the Trust will adopt an objective and balanced approach when addressing complaints. Both parties are entitled to a full and fair opportunity to submit their versions of events.

Employees will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against an Employee may be addressed as a misconduct issue.

## **13 The Role of Mediation**

Depending on the nature of the complaint, mediation may assist in resolving concerns and is actively encouraged by the Trust. Mediation may be of particular benefit in cases of genuine misunderstanding and lack of understanding / awareness of how the actions of one party towards another is perceived.

Mediation is a voluntary process that aims to facilitate the parties in reaching resolution and agreement to a dispute.

Mediation may be instigated at any stage in the procedure.

During mediation, the formal stages of the bullying and harassment process would usually be suspended. If at any point any party wishes to withdraw from mediation, they may do so and the procedure may be resumed.

## **14 Informal Action**

It may be that the individual whose conduct is causing offence is genuinely unaware that their actions and behaviour are unacceptable and a direct approach can resolve the situation without formal action.

An Employee is encouraged in the first instance to raise the issue directly and informally with the individual and explain clearly what actions or behaviour is causing offence / distress and request that it stops.

Such an approach may be made verbally or by letter. The Employee is advised to be as specific as possible – demonstrating what has happened and the impact of this - to enable the individual to respond to the complaint.

It is recognised that due to the nature of such allegations, an Employee may be unable or unwilling to raise the issue with the individual. In such a situation, an Employee may seek the support of the line manager / Headteacher to facilitate a discussion or make representations on their behalf.

The normal expectation is that both parties would meet to consider the issues and with the aim of agreeing a solution or way forward informally that is mutually acceptable.

Both parties should seek to explore reasonable informal action, which may resolve the issues including:

- Acknowledging the distress caused
- Providing an apology
- Seeking a commitment to changed behaviour
- Agreeing future standards of behaviour which is acceptable to all parties
- Exploring counselling or workplace mediation
- Agreeing alternative work patterns / practices for either or both parties

At the conclusion of the informal process, a written record may be made detailing the date of the meeting(s), concerns discussed and actions / outcomes agreed. A copy will be shared with all parties within 5 working days.

If the Employee feels unable to take this course of action, or if he/she has already approached the individual to no avail, or if the harassment is of a very serious nature, he/she may elect to raise a formal complaint.

## **15 Formal Action**

Where the matter can not be resolved informally, an Employee may wish to raise a formal complaint. Any complaint should be raised within 10 working days of the conclusion of the informal stage.

The Harassment notification form, attached at Appendix A, should be used for this purpose.

The written notification should set out the concerns objectively, including details of the nature of the complaint as follows:

- the name of the Employee whose behaviour he/she believes amounts to harassment or bullying
- the type of behaviour that is causing offence, together with specific examples if possible
- dates and times when incidents of harassment or bullying occurred, and where they occurred
- the names of any Employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person
- any action that the Employee has already taken to try to deal with the harassment
- the action or outcome sought by the Employee

An Employee should also submit any supporting documentation that is relevant to their complaint.

The 'complaint officer' should provide the Employee with written confirmation of receipt of the complaint and confirmation of the action to be taken.

However, should further clarification be needed regarding the nature of the concern, the 'complaint officer' may arrange a meeting with the Employee.

The purpose of this meeting is to:

- Provide an Employee with the opportunity to explain their concerns in full and consider / clarify the details of the complaint
- Gather any evidence that the Employee wishes to submit in support of their complaint
- Identify any witnesses to the complaint
- Explore and consider the outcome that the Employee is seeking
- Explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g. a joint meeting, mediation

## 16 Investigation

Consideration should be given to undertaking as much investigation as is reasonable and appropriate in order to gain a full understanding of the circumstances surrounding complaint.

Where a formal investigation is necessary this will be undertaken in accordance with section 9 of the Trust's Disciplinary Procedure. Any issues of misconduct identified by an investigation will also be addressed under the Trust's Disciplinary Procedure

An independent investigating officer will be appointed to objectively establish the facts of the case and determine, on the balance of probabilities, whether there is a case to answer in relation to the complaint of bullying and harassment.

If may be appropriate for a second investigating officer to be appointed to ensure that the composition of the investigative team includes representation that reflects the nature of the case.

During the investigation a formal interview will take place with the Employee who has raised the complaint to explore the details of their concerns.

The Employee who the complaint has been made against will be notified in writing of the nature of the allegations and be advised that should the complaint be upheld, formal disciplinary action may be taken against them. The Employee will be invited to attend a formal interview and given full and fair opportunity to respond to the allegations, explain his / her conduct and any mitigating circumstances.

The investigating officer(s) may also conduct a formal interview with other Employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that they may be called to present this at a subsequent hearing.

Both parties will be entitled to be accompanied to any formal investigation meeting by a workplace colleague or trade union representative.

A written record will be made of all interviews conducted during the investigation.

A written report will be produced of the investigation findings and shared with the 'complaint officer'

The investigation findings will inform the basis of the 'complaint officer's' response to the complaint.

It may not be appropriate or useful in resolving the complaint to share the full investigation

report with the parties to the grievance. In such circumstances a summary document or anonymised text may be made available as the 'complaint officer' considers appropriate

Should the matter subsequently be considered under the Trust's formal disciplinary procedure - the investigation report will be shared as evidence for this process.

## **17 Communicating the Outcome**

The 'complaint officer' will notify both parties in writing of the outcome of the complaint. This should be communicated without undue delay and where possible within 5 working days of the conclusion of any investigation or other follow up action where this is necessary.

The Complaint Officer may determine the following outcomes:

- a. The complaint is upheld in full, or
- b. The complaint is upheld in part, or
- c. The complaint is rejected

### **This notification should include:**

- The outcome and the reasons for the decision
- A summary of the facts that the complaint officer took into account in coming to their decision – including the findings of any investigation
- Notification of whether further informal or formal disciplinary action will be instigated
- Any recommendations or agreed actions for the parties to take

Where the complaint is upheld in part or full, consideration will be given as to whether there is either a matter to be considered under the Trust's Disciplinary procedure or whether further informal action is appropriate.

It should be noted that the Employee who raised the complaint does not have the right to know the outcome of any informal or formal disciplinary action.

## **18 Appealing the outcome**

Where an Employee feels that their complaint of bullying and harassment has not been satisfactorily resolved by the Complaint Officer they may appeal against the outcome.

Appeals should be made in writing to the Complaint Officer, within 10 working days of receipt of the written outcome. The letter of appeal should clearly state the specific grounds on which the Employee is making the appeal and why they are dissatisfied with the decision. A copy of the original written Bullying and Harassment Notification form / letter and any supporting documentation should also be submitted.

An appeal meeting will be arranged without undue delay and where possible within 10 working days of receipt of the written appeal.

The appeal meeting will be heard by a more senior Manager than the original Complaint Officer. Where there is not a more senior Manager the appeal may be heard by a member / panel of the Governing Body. Those considering the appeal will not have had involvement in the complaint at the earlier stages.

An Employee may be accompanied to an appeal meeting by a workplace colleague or Trade Union representative.

At an appeal meeting the Appeal Officer or Panel will review:

- The original complaint outcome decision
- The employee's reasons for raising an appeal
- Any further representations made or information presented by the employee

The Complaint Officer who considered the complaint at the earlier stage may be called as a witness to the appeal meeting.

Based on the information presented, the Appeal officer or Panel may determine the following outcomes:

- The original decision is upheld in full, or
- The original decision is overturned or
- The original decision is upheld in part

In addition to the above, the Appeal Officer or Panel may recommend that further action such as mediation or training be considered to resolve the situation.

Where possible the employee will be advised verbally of the outcome at the conclusion of the meeting or following any deliberations that may be necessary.

In all instances the Employee will be notified of the outcome in writing usually within 5 working days of the date of the meeting or the decision being reached. This will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Appeal Officer or Panel considered in coming to their decision
- Any recommendations or agreed actions for the parties to take

Where a complaint is against another individual the appeal decision will be shared with them. This may be in writing or at a meeting.

Appropriate information will be made available about the appeal outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

The outcome of the appeal is final and there is no further right of appeal

## **19 Action Pending the Outcome of the Process**

Pending the outcome of the formal stage, consideration will be given to any actions that may be appropriate to alleviate the circumstances which gave rise to the complaint.

This will include consideration of the ability of the two parties to continue to work together which may necessitate a temporary change to working arrangements or line management responsibilities, subject to the operational requirements of the Trust. Any change would be temporary pending the outcome of the bullying and harassment process and would be mutually agreed between the individual and the Trust. It will not be assumed that the person who raised the complaint will necessarily be the party to alter their work. No party should be placed at a financial detriment as a consequence of such temporary variations.

Where all other options have been explored, on occasion it may be necessary to suspend with full pay the Employee who the allegation has been made against.

Suspension is not an assumption of guilt and is not considered a disciplinary sanction’  
In cases where a period of suspension is considered necessary, this period should be as brief as possible, should be kept under review and with full pay

## **20. Support after the procedure has concluded**

The Trust recognises that both parties may require ongoing support following the conclusion of the process – this may include further informal measures to rebuild damaged working relationships.

Where informal action is to be taken or no case to answer is found both parties will be invited to attend separate meetings with the complaint officer to discuss the outcome of the investigation and appropriate ways forward. Following this consideration will be given to a joint meeting.

The purpose of these meetings is to:

- Discuss future working relationships
- Agree future standards of behaviour or expectations which are acceptable to both parties
- Agree alternative work patterns / practices for either or both parties
- Explore counselling or workplace mediation
- Agree appropriate support / guidance / training
- Consider strategies to prevent a repetition of such concerns

Where formal disciplinary action is taken, depending on the outcome, such meetings may take place following the conclusion of the disciplinary process.

Notes may be taken during this meeting and any agreed actions will be confirmed in writing within 5 working days.

The Trust will continue to monitor working relationships between the parties to ensure no repetition of behaviour / actions or subsequent victimisation of either party.

## **21. Nonattendance at formal meetings**

Where an Employee or their representative is unavailable to attend a meeting, they should inform the complaint officer the matter at the earliest opportunity.

If an Employee’s representative is unavailable the may be deferred by up to 5 working days from the date of the original hearing.

The Headteacher / Panel will give due consideration to any request for postponement taking into account the individual circumstances and the reason for nonattendance.

Other than in exceptional circumstances only one postponement will be granted.

Should an Employee or representative fail to attend a rescheduled meeting or fail to make written representations, the meeting may proceed in their absence and a decision made based on the available information.

## **22. Anonymous Allegations**

Employees are encouraged to put their name to any allegation.

Where an Employee is concerned about being identified the Trust may explore appropriate



measures to reassure and safeguard the Employee during the process.

The Trust cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

Where an anonymous allegation cannot be taken forward – consideration will be given to reasonable appropriate action to reinforce the Trust’s general expectations regarding staff conduct.

### **23. Concurrent Management Action**

Employees should be advised that reasonable management action to address concerns relating to Employees should not automatically be perceived in itself as a reason to raise a complaint of bullying and harassment.

In the event that an Employee raises a complaint of harassment or bullying in the course of a disciplinary or capability process, both processes may continue concurrently.

Additional measures may be considered to safeguard both parties until the ongoing disciplinary or capability process is concluded.

However, each case will be considered on its merits to ensure that the Trust is acting reasonably.

### **24. Malicious / Vexatious Allegations**

Where a complaint is unsubstantiated and found to be vexatious or of malicious intent, the matter may be addressed in accordance with the Trust’s disciplinary procedure.

### **25. Record Keeping**

Accurate and contemporaneous records will be kept throughout the process, including any initial informal process.

Records will be kept, detailing the nature of the incidents of harassment or bullying; the outcome of any investigation, actions taken including any informal or disciplinary action.

At the formal stages and during any investigation minutes will be taken of meetings and shared with the Employee as soon as practical. All parties at the meeting will have the opportunity to check the accuracy of the notes taken.

A copy of any outcome letters should be retained on the Employee’s school personnel file.

All records will be treated as confidential and in accordance with the provisions of the Data Protection Act 2018 which provides individuals with the right to request and have access to certain data.

### **26. Confidentiality**

The Trust will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to properly investigate the matters raised).

Information about a complaint by or about an employee may be placed on the employee’s personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

A complaint about a pupil may be stored on their educational record.

Information will be processed in line with data protection law. It will be kept securely, only for as long as necessary and in line with data protection law and Trust privacy notices.

## **27. Monitoring Data**

Regular whole Trust monitoring will take place of formal harassment complaints. Any data gathered will not identify individual Employees.

Please also add here that an equality impact assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice

## Harassment & Bullying Notification Form

Employee name:	Employee Job title:
School:	Date Complaint Raised:
If your complaint is against an individual - please provide their name and job title	Name :  Job Title:

**Summary of complaint:** Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or supporting documents if required.

**Individuals involved in the alleged incident/complaint –** Provide here the names and contact details of any people involved in your complaint, including witnesses.

Informal action to resolve the issue: Please provide details of any action that you have already taken to address your grievance/ complaint and why this did not work.

Outcome requested: Please set out what outcome you are seeking from your complaint, and why and how you believe that this will resolve the issue.

<p><b>Declaration:</b>          I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the School. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.</p>	
Signature:	
Name:	Date:
<i>For completion by complaint officer</i>	
Date form received:	
Date investigation commissioned:	
Date Employee notified of outcome:	

## Confidential Counselling Service for TSAT Employees

A confidential counselling service is available for all Employees across the Trust provided by **Workplace Wellness**. The service offers information, advice and support 24 hours a day, 7 days a week. This includes a telephone support line, access to advice and information, coaching and counselling where appropriate. To access the service please use the contact details below:

Free phone from UK landline:

T: 0800 1116 387

From abroad:

T: +44 845 330 5132

Text phone users dial: 18001 followed by 0800 1116 387

Or you can access the online services via [www.my-eap.com/login](http://www.my-eap.com/login), username: TSATwell

For Management Support: 0800 1116 385

**WorkplaceWellness™**

Life is a rollercoaster.

We're here to make the ride smoother